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SPEECH

OF

R. E. SCOTT OF FAUQUIER,

ON

CERTAIN RESOLUTIONS

TOUCHING

THE ACTION OF CONGRESS

ON THE

SUBJECT OF SLAVERY.

Delivered in the House of Delegates of Virginia, on the 11th day of January 1849.

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SPEECH.

The resolutions reported by the joint committee on the Wilmot proviso and other kindred measures, being under consideration,

Mr. SCOTT said:

I think I have reason to complain of intolerance towards me on this floor. Scarcely had the gentleman from Spottsylvania, the mover of the resolutions, spoken ten minutes to his subject, when the gentleman from Stafford arrests his remarks, and deprecating discussion, in that solemn manner he so well knows how to assume, declares that he will feel surprise if the resolutions are assailed from any quarter; and this, too, after the determined opposition which in every stage of their progress I have evinced. I am not blind to the purpose of the movement. I know the force of the argument of numbers, potent with all, it is controlling with some, and I feel its effects in the diminished ranks of those with whom I stand on this occasion.

On a former day I notified the house that when the resolutions reported by the committee should be called up, I would move, as a substitute for them, those which I then submitted for their consideration. Both sets of resolutions were printed, and after much time taken for examination, the friends of this action, dissatisfied with their tenor, called together the members of both branches of the assembly in free conference, and another set of resolutions were reported to the house, which, we were told, were to be moved as a substitute for the report of the committee.

But scarcely had this been done, and a day fixed for the consideration of the subject, when the house, dissatisfied still with the manner in which the work was done, raised a second committee to which, in conjunction with a committee of the senate, the whole matter was referred, to be reported upon by this day; and we have now before us, in the resolutions just read by the clerk, the opinion of the joint committee as to the shape which our action should finally take.

All these propositions differed very essentially from that which I submitted. And I regret that after the maturest reflection I feel myself unable to yield my approbation to either of the three. Whilst they differ in some respects from each other, and manifest a disposition on the part of the majority to retreat from the extreme ground assumed in the first series, there are, yet, certain vices common to them all, that preclude the possibility of my concurrence in them, and make it my duty, in the discharge of the trust here confided to me, to offer against their adoption the most earnest opposition.

That whatever I may say will prove unavailing I am prepared to expect, for circumstances too clearly indicate a foregone determination on the part of the majority to embrace those vices despite of any warning that can be given of the evil consequences to result from the heedless course.

Valiant in the security that numbers afford, gentlemen freely boast of the majority anticipated for the favoured resolutions. The purpose of this boasting was obvious to all; for one, I freely acknowledge its power; but when such an appliance was used to force through a favourite measure, we may be excused a suspicion of its justice and truth. If the intention is to deter me from the opposition which I contemplate, the result will shew how fruitless of its end the attempt will be. Whilst I deeply regret my separation, on this occasion, from other members on this floor, and deplore the necessity of opposition to their wishes, my resolution has never faltered; the path of duty lies plainly before me, and I will pursue its way if I tread that path alone. I see in the resolutions what I deem vicious, and against its vices I raise my voice.

I am not much in favour of state action on subjects committed by the constitution to federal authority. The federal and state governments are parts of one system, and it is necessary for the harmonious action of the whole, that the several parts which compose it should revolve strictly within their appropriate orbits; any departure from these will bring about collision, by which the safety of the system must be endangered. It is only by the auxiliary agency of the state governments that it is found practicable for a common government to embrace so wide a space. It is this feature in the system which illustrates the wisdom of its founders, and most conduces to the success which attends it.

The constitution is sacredly obligatory upon us all, and respect for its authority is a duty enjoined by the fundamental principle of true liberty. There are occasions, however, when I recognize the [illegible] of state action on subjects which become matter of federal [illegible] When the common government transcends its authority, and [illegible] ful of its high trusts, meditates assaults upon rights it was ex[illegible] protect; and to accomplish its ends either usurps a power no[illegible] by the constitution, or practises abuse of one entrusted to its exercise, the auxiliary agencies were justified in passing under review the action of the former, pointing out the evils which threaten to ensue from it, and sounding the alarm if the danger seemed imminent.

The spirit of party is amongst the strongest passions of our nature, and seems to be inseparable from our political relations; we see it daily controlling the action of individuals and masses; under its influence, men are elevated in total disregard of their fitness, and measures embraced in opposition to the plainest dictates of policy and interest; its tendency is always to excess; and in its rank growth it will be ever found the worst enemy of free government. When sectional prejudice shall invigorate its strength, and geographical discriminations denote parties, the days of our union will be numbered. The strongest attachment for the confederacy will not be proof against a despotism which

will administer the government upon sectional principles. When the accident of birth in a northern or southern clime, and the habits of thought dependent upon it, shall determine the fitness for the honours of office; when one part of the country shall see itself cut off from participation in the beneficence of a common legislation, and the whole power of government made to subserve the purposes of prejudice and fanaticism; when through these agencies rights are assailed that our union was designed to protect, and what was intended as a shield against wrong shall be converted into an instrument of aggression against rights, the great purpose of the confederacy will be lost to our hopes.

I indulge in no vain hope that the spirit of party can ever be banished from the people of this country. It is inseparable from our nature, interwoven with our habits of thought, in one form or another influencing every act of our lives. But I see no reason to doubt that occasions will arise when the good sense of the country will rebuke its excesses.

It was not to be disguised that there was a strong tendency at the present day to organize parties upon a geographical division. The presidential canvass presented an inviting occasion for the manifestation of that morbid sensibility on the subject of slavery so extensively felt in both sections of the country, and the diversity of opinion and interest touching it, unhappily existing amongst us, furnished an element too strong to be neglected in the struggle of parties for the success of their chiefs. The extension of our jurisdiction over the territories conquered from Mexico, naturally directed public attention to this topic, and in the progress of the canvass, every appliance by which misdirected religious zeal, prejudice, fanaticism, or a sense of meditated assaults upon vested rights could be inflamed, was used for the triumph of party. From the centre to its extremities, in every part of the land, the institution of slavery was canvassed before the public. To the southern states the design was attributed of opening in the conquered territories a new mart for their slaves by forcing domestic slavery upon an unwilling people; and the free states, it was said, were [illegible]ed as the instruments by which the tyranny was to be accomplished.

The course of some of our southern politicians, unfortunately, gave countenance to the accusation. The two great parties, in the persons of their candidates for the first office in the gift of the people, presented individuals residing in opposing sections, natives of those places, identified with the interests peculiar to their localities, and invested with the prejudices which belonged to their birth. The success of the southern candidate was well calculated to arouse into activity the disappointed adherents of the defeated party, and the excited state of the public mind seemed propitious for the formation of new combinations whereby future success might be achieved by the preponderating strength of the free states.

In contemplating this condition of things, he must be blind, indeed, who does not see its principal cause in the overshadowing power of the federal executive. The enormous patronage so long exercised by that department has given to it an influence that is seen and felt in every

extremity of this wide confederacy; it invades the hustings and controls elections; the free bestowal of it upon the representatives in congress has well nigh overpowered the legislature, and aided by the licentious use of the power of the veto, threatens to make the incumbent of that office master of the country. Congress, to a great extent, has ceased to be looked to for measures of legislation; the opinion of the president of the expediency of this or that measure is every where the absorbing topic of discussion. And so accustomed has the country become to extraordinary acts of executive power, such absolute dominion has its influence obtained over the public mind, that opposition is hardly excited at the palpable subversion of the most fundamental principles of the constitution. Every act, however enormous, is sure to find its ready apologist. An honourable senator from our own state, last session, boldly declared in the senate of the United States, that there were *two* canons of construction by which the meaning of the constitution was to be arrived at—one applicable to the grants of power to the legislative, the other to the executive branch. The former was made to square with the utmost rigour of the strictest construction, whilst the latter contained every element of elasticity that could satiate the desire of the most ardent supporter of executive prerogative. In the necessity that invented the legal anomaly of two rules of construction for the same instrument, we can be at no loss to see the extraordinary usurpations of the federal executive in the progress of our difficulties with Mexico.

It ought not therefore to occasion surprise, that the feeling excited by the recent conflict of parties should manifest itself in the halls of legislation.

It was but the ground swell that followed the storm, indicating a quiet of the elements of strife, and the subsidence of the agitation produced by their rage. Such, unquestionably, it would prove to be, if moderation, patriotism and good sense governed our conduct. So many and such strong motives conspired to cement our Union, that it was madness to think of dissolution.

The effect of a geographical division of parties was so evident that it could not escape the most careless observer, and surely there were sufficient moderation and patriotism in the country to escape its peril.

For the existence of this peril, candour compelled us to admit the south had its full share of responsibility. The earliest influence of sectional character that invaded the halls of congress, was to be seen in the opposition of the southern states to a system of legislation whereby domestic industry was to be fostered in its infancy, and channels of communication opened for trade. This opposition, proceeding from the belief that the benefits from the system would mainly accrue to the northern states, was avowedly based upon sectional considerations.

Southern politicians propagated the opinion that our interests in the system were antagonistic.

Upon the subject of slavery, too, a full share of blame will be found at our own door; northern fanaticism has been met by an undue excitability at the south—an excitability ever tending to excesses, and

impelling us into disadvantageous and untenable positions. We insisted at one time that abolition petitions should not be received; this was immediately construed into a denial by congress of the sacred right of petition itself, and a subversion of the constitution, which secured it to all classes. That great excitement sprung from it, adding large numbers to the misguided petitioners, is in the recollection of us all. Now we are denying the constitutional authority of congress to take cognizance of slavery in the territories—a denial of authority to a municipal legislature, for congress stands in that relation to the territories, to legislate upon what is at once the most obvious and interesting subject of municipal regulation—a denial, too, in the face of an unbroken series of precedents from the earliest days of the republic to the present moment—in the face of repeated and solemn recognitions of the power by all the constituted authorities of the government and the people. Is such a position tenable? Will the free states surrender a power so long exercised, and thus solemnly recognized? With their fixed opinions on the subject of slavery, will they tamely surrender this power when the aggressive spirit of the day, inflamed, not satisfied, by what it seizes, is seeking boundless expansions of our territorial limits? Will they who regard domestic slavery as an evil, nay as a curse, the greatest perhaps with which a people can be afflicted, submit to be made the instruments of visiting this curse upon others? It is in vain to hope it, absurd to believe it, and if the Union be put at hazard upon this, its blessings will be lost.

The resolutions under consideration rashly proposed this hazard. I object to them for that reason. I cannot say, as they require, that congress has no power under the constitution to prohibit the introduction of slavery into the newly acquired territories. Mr. Monroe, it is said, took the opinion of his cabinet on this question, and they *unanimously* advised that congress possessed the power. The distinguished senator from South Carolina, it is known, was a member of that cabinet.

They proceed upon an unsound construction of the constitution, and declare a principle impairing its force. Before taking our seats in this assembly we severally took an oath to support the constitution of the United States. We will violate that oath in passing these resolutions.

The second of the series is supposed to contain an unanswerable argument in support of the controverted position. All territories are declared to be the "joint and common property of the several states, in which each and all have equal rights." Regarding the territories as *property*, if by these expressions it is meant to assert that the several states have *equal rights* therein, the assertion is untrue. Delaware has not an equal right of property with Virginia. In their separate corporate capacities the states have no rights of property whatever in the territories—they are without the means of enjoying such rights—their jurisdiction and laws extend not beyond their own defined limits. These rights accrue to them as members of the confederacy, and are held by each in subordination to the authority of all. It is by virtue of this authority that territories are acquired, and it belongs to the same authority to dispose of the acquisition, and to define and regulate

the rights of the several members therein. There is no other authority competent to do this; it results from the necessity of the case.

The power to acquire and dispose of a territory, to define and regulate the rights of the several parties to the acquisition, involves necessarily the power to govern it, for in no other way can the possession and use be enjoyed. Congress is the appointed agent for the exercise of this power; its jurisdiction is exclusive, and, save the prohibitions of the constitution, there is no limit to its extent. That among its powers is that of *legislation*, all admit. What is the nature of this power? To what subject does it rightly extend, and to what does it not extend? Being the municipal legislature, is it a complete legislature? Is the introduction or exclusion of domestic slavery into a community a legitimate subject of legislation? The advocates of the resolutions will find it impossible to furnish satisfactory answers to these questions. Conceding the power itself, they must concede the question of slavery to fall legitimately within its scope.

It is immaterial to enquire from what particular source congress derives the power, whether from the express authority to dispose of and make needful rules and regulations concerning the territories, or from the war making and treaty powers, or from both—its possession is admitted. The legislative authority of congress in the territories has the same extent that the legislative power of the state legislatures has in the states—each embraces all powers in their nature legislative, not prohibited by the constitution.

Is there, then, any thing in the constitution which prohibits congress from legislating in the territories on the subject of slavery? If there be, in what article is it contained? It will puzzle the sagacity of the advocates of this action to point it out.

They say it is a constructive prohibition, arising from the nature of the trust which the power involves. The states are "*cestuis que trust*," and congress their trustee, and in the *condition* of the "*cestuis que trust*," is supposed to be found the limitation on the power of the trustee. If slavery be prohibited, it is said, the citizens of the slave states will be excluded from the territories, and thus a portion of the states will be deprived of the benefit of the trust. This deprivation is contrary to the purposes of the trust, in derogation from the rights of the beneficiaries under it, and in violation of the authority of the trustee, and so, it is argued, an act of congress having this effect would be unconstitutional.

But suppose the condition of the "*cestuis que trust*" be changed, what will then become of the limitation on the power? If the southern states emancipate their slaves, the condition out of which the limitation springs will no longer exist, and "*cessante ratione cessat et ipsâ lex.*" It would then result that the constitutional power of congress would be directly affected by local legislation, and the constitution be made to confer or prohibit the power according to the discretion of particular states, which is absurd.

Again, a limitation implied for the benefit of a portion of the "*cestuis que trust*," and arising upon a supposed detriment to their interests flowing from the exclusion, would certainly be defeated if these

interests were to be promoted by the exclusion. It would be absurd to give effect to a limitation to the prejudice of parties, when the benefit of those parties is the sole ground for implying it. It would then result, that the limitation would exist or not, according to the opinion entertained of the effect of the exclusion, and the constitution would be dependent upon what a day or an hour might produce.

But who is to judge of the case? What authority is to determine the policy which is best calculated to promote the interests of the parties? Certainly not each one for itself, but all together; and do not all come together in congress, each having a voice in exact proportion to their respective interests, and is not the true policy to be determined by the collective judgment of the whole? Can any thing, therefore, be more uncertain than such a limitation, and can any construction of the constitution be more latitudinous than that which would lead to such a result?

But I agree that congress cannot discriminate between the citizens of the several states; it is prohibited from so doing expressly by the constitution. But does the exclusion of slavery from a territory involve such discrimination? The exclusion extends alike to all persons, to the citizens of the free as well as the slave states—all are prohibited from introducing slaves. If the prohibition of slavery excludes the citizens of the states that tolerate its existence, the admission of it would equally exclude the citizens of the other states, and the result would be that the only constitutional mode of settling the question is by a partition of the territory between them. This may be an equal basis of settlement, but what provision can be found in the constitution limiting congress to such an act? None is pretended. It is said, a citizen of a free state may emigrate to a territory with his property, of whatever kind, whilst a citizen of a slave state is debarred from this privilege. But is this so? May not a citizen of a free state own slaves, and in such case would he not be subject to the same prohibition? What species of property can a citizen of a free state carry with him into a territory which is not permitted to the citizen of a slave state? Certainly there is none. Then how can it be said that the law discriminates, when the citizens of all the states are placed upon the same footing, both in respect of privileges and prohibitions?

The effect of the law may be to obstruct emigration from the slave states—the slaveholder may not emigrate if he cannot carry with him his slave. But this does not prove that the law discriminates, but that its operation is unjust. If it gave to the slaveholder the right to emigrate with every species of property permitted to the citizen of the free state, and with his slaves in addition, we would not object to the law; the discrimination would make it equal.

It is not, then, really because the law discriminates that we object to it, but because it does not discriminate in our favour.

The unequal operation of a law is a fair objection to it, but this by no means proves its unconstitutionality; what law of perfect equality did human wisdom ever design?

Take your tax laws. Slaves are taxed in classes according to their ages, horses by the head, without regard to their respective values.

What equality is there in this? Examples may be multiplied. Congress has the power to erect forts and improve harbours, at least on the Atlantic board; if it exercises this power in the erection of forts in New York, and improving its harbour, and omits to erect a fort in South Carolina, and improve the harbour of that state, the legislation would be unjust; but would you say that congress did not possess the power to erect the fort in New York?

Gentlemen must discriminate between considerations that belong to the equity and expediency of legislation, and such as belong to the power to exercise it. It is in the failure to make this discrimination that consists the great vice of the argument I am combatting.

After stating that the territories are the "joint and common property" of the several states "in which each and all have equal rights," the resolution declares that any law which, directly or by its effects, shall prevent the citizens of any state from emigrating into a territory with their property, of whatever kind, would make a discrimination in violation of the constitution. Strictly speaking, there may be little ground of objection against this assertion, if congress declare that the citizens of a particular state shall not enjoy this privilege, and impose not the same restriction upon the citizens of the other states, there would be discrimination inhibited by the constitution. But this is not what the resolution was intended to declare; the criticism is due to the unskilful terms in which its meaning is expressed. What it was designed to declare is that the exclusion of slavery "*proprio vigore*," operates the exclusion of the citizens of the slave states, and thereby effects the discrimination which is denounced. I trust I have fully exposed the fallacy of this idea, and placed the argument on this point upon impregnable ground.

The true doctrine may be stated in few words. Congress is the municipal legislature of the territories; it is a complete legislature, possessing over the subject exclusive jurisdiction—its power extends to every act in its nature legislative, not prohibited by the constitution, and it may do in respect of the institution of slavery whatever the legislature of our own state may lawfully do. This has been so adjudged, repeatedly, by the supreme court of the United States.

Story, Kent and Sergeant, learned commentators on the constitution, so expound its meaning; the precedents in congress are to the same extent, and those who advocate these resolutions are unable to bring to their aid a single authority in opposition to this unbroken series from the earliest days of the government to the present time. Are we then, the legislature of Virginia, not selected I apprehend with any particular regard to our proficiency in constitutional lore; are we, I say, to pronounce that Marshall, Story, Kent, and their learned associates, were ignorant of the true meaning of the constitution; to set our judgments in opposition to theirs, and upon our oaths make proclamation of it to the public.

Others, more confident in their ability and learning, may do this; I will not.

Much has been said of the importance of unanimity in the action we are about to take, and the misfortune of any division amongst us is most feelingly deplored. Who is responsible for this division? You

desire to condemn certain meditated legislation of congress. I go with you in the condemnation. No one here condemns it more strongly than I do. You cannot express your opinion in terms too strong for my approval.

Why am I not permitted to unite in the action? You disclaim all purpose of party advantage, and protest that you are influenced solely by patriotic devotion. I am not insensible to all this profession, but I demand substantial evidence of its sincerity. Surely to attain so great an object as perfect unanimity in our deliberations—an object to which you attach such primary importance, a little deference might be manifested for the opinions of others. Why insist upon mooting the question of constitutional power? It is not necessary for the end you aim at. A difference of opinion upon it—an honest, conscientious difference is known to exist amongst us, and the sanction of the great names to which I have referred, must protect the dissenters from the imputation of presumption. You may yield this point without the sacrifice of principle or propriety, and without weakening the force of the condemnation you may express; we cannot—the sanctity of an oath forbids it.

Not satisfied with declaring an opinion on the controverted question of constitutional law, you propose to erect the standard of revolt, if the power be exercised to the exclusion of slavery from the conquered territories. You proclaim against it "determined resistance"—"at all hazards and to the last extremity," and commit the commonwealth to its fulfilment; and this you do not only without the authority of the people for whom you act, but in profound ignorance of their wishes on the subject; and not only this, but, as if to fill the measure of presumption, you arrogate the power to determine "the mode and measure of redress." Without consulting your constituents—in ignorance of their wishes; without authority from them, you undertake to determine the "*casus belli*" and to set on foot the measures of resistance. In my judgment, a more glaring usurpation of power, or grosser outrage on the elective franchise, could not be practised. The annals of legislation in free governments will be searched in vain for an example. I cannot concur in such a proceeding.

Let us express our opinions—if the occasion be deemed proper, submit them to the public and the approval of our constituents; we abuse our power in forestalling their judgment, and violate the first duty that the representative owes to his constituents.

Is the propriety of resistance so clear of doubt, or the emergency so pressing as to justify or excuse this precipitate course? That there is no pressing emergency, the least candid will admit, and that the resistance proposed is of doubtful expediency can hardly be controverted. It is no light matter to array this commonwealth in hostile opposition to the federal authority: fearful consequences must flow from a collision, and I cannot but think that Virginia will deliberate long before she assumes such an attitude; and when she does so resolve, the wisdom of her land will be invoked to her aid, and these seats will be filled by others than ourselves.

But to what end is this resistance to be made? To enable us to emigrate with our slaves to New Mexico and California? That would

require legislation of congress; for without such legislation, the emigrant could not hold a property in his slave. The laws of the countries now forbid it, and until changed by the conquering power, will continue to give rule to the subject.

But no one claims or expects the active aid of congressional legislation; forbearance to legislate at all, is what is demanded. The idea that the constitution carries slavery into the territory, springs from one of those vagaries with which excessive subtleties sometimes bewilder the brain, but which can have no lasting place in any tolerably well ordered intellect. The relation of master and slave is due to positive law, and cannot exist without its sanction. The constitution recognizes and protects it where it exists, but creates it nowhere. The end, therefore, of the threatened resistance, is not to enable us to carry our slaves to a new mart, but to prevent congress from prohibiting their introduction into places from which they are already excluded. Will the success of the enterprise, supposing we are to be successful, justify the hazard to our peaceful relations, from the means we are to employ to accomplish it? All you promise yourselves, is to deter congress from the offensive exercise of a doubtful power, and to keep from the statute book an useless act; no practical good is to come of it. Can such an end justify the hazardous means? Is it wise, is it statesmanlike, upon such an issue, to stake the peace of society and woes unnumbered of civil strife?

That it is impracticable to introduce domestic slavery into New Mexico and California, must be manifest to every one. Besides the considerations already urged, neither the climate nor the soil is propitious for its introduction. Once existing in those territories, by the free act of their inhabitants, it has long since been expelled; and such is the existing prejudice against it, that were it possible to secure for it a temporary revival, its immediate extinction would be the first exercise of power upon their admission as states.

Under such discouraging circumstances, even with the sanction of law, no slaveowner would venture there with his property.

To these views I will shew the dominant party in this house to be fully committed. They so committed themselves in the late presidential canvass.

It is no part of my purpose to introduce party feeling into this discussion; the questions we are considering concern the Union, its peace, its tranquility; the dearest interests of all classes are involved in them, and they rise superior to party. But in the legitimate pursuit of the argument, I may call the attention of the majority here, and the public, to the principles upon which the late canvass was conducted by them in this state; remind them of the immaterial position to which they then consigned this question, and caution them lest in their attempt now to advance it into prominence, they may lay themselves open to the charge of insincerity, and the suspicion of seeking political advantage. If it be true that you heretofore treated this question in the manner I have stated; if to achieve the success of your party, and promote the election of a favourite chief, you inculcated the belief that the introduction of slavery into New Mexico and California, was an immaterial question; which settled, in whatever manner, could lead to no practi-

cal result, with what consistency can you now claim for it an importance justifying you in staking upon it the fate of the Union? If it was immaterial when you were seeking the election of Mr. Cass, it is immaterial now that he is defeated. If it could lead to no practical result, with that gentleman in the executive chair, it can lead to no greater result when Gen. Taylor fills that chair. Do you not see that you are involving yourselves in the horns of a dilemma, upon the one or the other of which, by persisting in this course, you must inevitably hang? You cheated and deceived the people when, in the recent canvass, you inculcated the belief of the immateriality of this question, or you do so now when you thus magnify its importance. And can you expect to obtain credit for your assertions when the very credit you demand involves a confession of the cheat you practised in managing the canvass?

Are you justly obnoxious to this criticism? That the resolutions give a vital prominence to the question, must be conceded; state resistance is proclaimed against the federal authority, and the Union itself is staked upon the issue. But how was it formerly? Mr. Buchanan and Mr. Walker, gentlemen of high distinction in your party, both members of the present democratic administration, and both aspirants for presidential honours, in letters addressed by them to the public, had taken occasion to discuss the question of the introduction of slavery into New Mexico and California. The former gentleman said, "Neither the soil, the climate, nor the productions of California, south of 36 deg. 30 min., nor indeed any portion of it, north or south, is adapted to slave labour, and besides, every facility would be there afforded for the slave to escape from his master. Such property would be entirely insecure in any part of California. It is morally impossible, therefore, that a majority of the emigrants to that portion of the territory south of 36 deg. 30 min., which will be chiefly composed of our citizens, will ever re-establish slavery within its limits. In regard to New Mexico, east of the Rio Grande, the question has already been settled by the admission of Texas into the Union. Should we acquire territory beyond the Rio Grande and east of the Rocky mountains, it is still more impossible that a majority of the people would consent to re-establish slavery. *They are themselves a coloured population, and among them the negro does not belong, socially, to a degraded race.*"

Mr. Walker said: "Beyond the Del Norte slavery will not pass; not only because it is forbidden by law, but because the coloured race there preponderates, in the ratio of ten to one, over the whites; and holding, as they do, the government and most of the offices in their possession, they will not permit the enslavement of any portion of the coloured race which makes and executes the laws of the country."

These letters were extensively read throughout the country, and endorsed by your party presses, they were widely circulated in this state; not even a whisper was muttered against the sentiments they contained. On the contrary your general convention nominated, and your party supported as their candidate for the presidency, a gentleman, who, in his famous Nicholson letter, had extracted with approbation these very passages from the letters of Buchanan and Walker, and enforced their

truth by suggestions of his own. In addition to this, from the platform constructed for your party, intended to put forth the leading tenets of your political faith, every thing was carefully excluded calculated to bear upon the question of slavery in the territories. Mr. Yancey's amendment, intended to bring the body to a vote on the question, was negatived without a division, and the convention contented itself with a solitary resolution concerning slavery in the states, couched in terms to allow the slaveowner and freesoiler to unite in its support, and to furnish a common plank upon which both could stand in doing battle for the candidates then presented to the public. I know that Mr. Cass expressed a doubt whether congress possessed the power to legislate for the territories, and inclined to the opinion, that after establishing the governments, its authority over the subject ceased, and thence was implied a promise to put the veto on any act of congress directed to the exclusion of slavery from the territories. But he maintained, at the same time, that the power over the subject belonged to the people of the territories, to be exercised, without the hindrance of congress, by the territorial legislatures, according to their absolute discretion; transferring, thus, the power from congress, in which we are represented and have a voice, effectual heretofore to the protection of our interests, to a body in which we have no voice, and by which, in his judgment and that of Buchanan and Walker, founded upon a knowledge of the climate of the country, its soil and productions, the character, condition and prejudices of its inhabitants, the institution was certain of exclusion. Of what practical interest can it be to the slaveholder, if this species of property is to be excluded from the territories, whether the exclusion be effected by federal or local authority?

I know that the democratic state convention, assembled in this city on the 29th of February last, solemnly protested against the "*Winthrop* and Wilmot provisoes, as wanton violations of the constitution, and wilful assaults on the rights and interests of one portion of the confederacy," and did "most solemnly declare, that there is no power in congress, *or a territorial legislature*, which is its creature, or any where else, save only in the people of a territory, in the adoption of a state constitution, preparatory to admission into the Union, to prevent the migration of any citizen of any state with his property, whether it be slaves or any thing else, to any domain which may be acquired by the common blood and treasure of the people of the states." I know that the same convention "heartily responded to the noble resolutions of the Alabama state democratic convention," and declared that they would, "*under no political necessity whatever*, support, either for the presidency or vice-presidency, any person who would not be the firm and avowed opponent of any plan or doctrine which in any way interfered with the right of citizens of any one state to possess and enjoy all their property in any territory which may be acquired by the Union, as fully, completely and securely as citizens of any other state shall enjoy theirs," except that, being unwilling to disturb the Missouri compromise, they were content with adherence to its principles. Notwithstanding which, we have seen the Virginia delegates to the national convention contented with a declaration in their creed of faith, disavowing the power of congress to interfere with slavery in

the states, and support a nominee for the presidency, who asserted the right for a territorial legislature, without the hindrance of congress, "to prevent the migration of any citizen of any state with his property, if it be a slave, to any domain which may be acquired by the common blood and treasure of the people of the states;" thus manifesting that, under a certain political necessity, they would support a candidate entertaining opinions which, in the language of the "noble resolutions of Alabama," they had declared, "under no political necessity whatever" could they be induced to do; and the party throughout the state approved their course.

We all know that the selection of the candidate was influenced by his supposed ability to attract the free soil vote of the whig state of Ohio, an expectation in which they were not disappointed. We further know, for it is matter of history, that the entire democratic party approved of the compromise proposed by the senate's resolutions; a compromise by which, whilst congress was to abstain from the exercise of the disputed power in the organization of the territorial governments, a prohibition was to be inserted against the enactment by those governments of any law on the subject of slavery at all, thus producing a condition of things whereby the institution of slavery would forever remain during the existence of those governments, subject to the present law, which wholly excludes it; a compromise by which slavery would be more effectually excluded than by the proviso itself.

If further evidence be wanting of the late opinion of the party as to the immateriality of the question, I beg leave to refer to the speech of Mr. Buchanan, made on the eve of the election, when that gentleman was called from the business of his department to coax back, if possible, the cheated and indignant people of his own state—a speech applauded by the great executive organ at Washington, whose laudatory strains were echoed upon every key by its affiliated dependents throughout the land. That gentleman said: "The question of slavery in California and New Mexico is merely transient in its nature, and no matter how decided by congress, can never produce any practical effect; those territories were free when acquired, and so, according to every reasonable probability, must remain; congress cannot legislate slavery into practical existence within their limits, and it is matter of indifference, so far as its existence there is concerned, whether congress engraft into their forms of government what is known as the Wilmot proviso, the Missouri compromise, or the senate's resolutions."

In the resolutions which I had the honour to submit, this part of Mr. Buchanan's speech was extracted, and constitutes the fifth of the series; in presenting it I thought I was catering for democratic appetite, but it seems I was mistaken; that appetite has changed; the dainties upon which, but lately, it so greedily fed, have become revolting to its taste.

But there is yet further evidence on this point which I desire to adduce: it will be found in the last annual message of the present chief magistrate, and must commend itself to every true democrat. You set the president up as the great overseer of the nation; not to manage only its executive affairs, and restrain congress within the proper limits of its constitutional powers, but to supervise all its proceedings, and

force its action in matters of general expediency to bend to his will. Conferring honours, bestowing rewards and dispensing punishments, according to his sovereign pleasure, he is regarded by the faithful as the impersonation of all that is democratic.

During the eventful period of this administration, when greater powers have been exercised by the executive than have fallen to the lot of many mortals; when a supervision and control over general legislation have been practised, never before experienced in our history, and which in other countries would have proved incompatible with the safety of the sceptered hand, not one murmur of complaint has been uttered by the party press, nor one word of dissatisfaction uttered by any supporter in the national councils. Every voice is attuned to praise, every arm extended to aid, and every knee bent in submission.

The Baltimore convention, composed of the elite of the faithful from every part of the country, gave one sweeping endorsement of every thing the favourite had done. I claim, therefore, for this evidence the same credence and implicit submission which has heretofore been accorded to the firmans of your chief. It cannot be that it will be less respected, because the day is at hand when the ordinances of the constitution will strip the purple from his shoulders.

In his late message, Mr. Polk says, "The question is believed to be rather *abstract* than *practical*, whether slavery ever can or would exist in any portion of the acquired territory, even if it were left to the option of the slaveholding states themselves. From the nature of the climate and productions in much the larger portion of it, *it is certain* it could never exist, and in the remainder *the probabilities* are, it would not." What was a mere abstraction, of no practical importance, when the inculcation of that belief was deemed conducive to party success, has become, since the defeat, of vital importance, and worth the hazard of civil broil. If congress enact the Wilmot proviso, this commonwealth is to be pledged to resistance to the "*last extremity, and by every means which she can command.*" What authority has this general assembly to give this pledge? What evidence has any member upon this floor, that his vote for these resolutions will meet the approval of his constituents? Have the principles which they involve ever been discussed before the people?

We are to resist; the commonwealth is to be pledged to it; resist to the last extremity, and by every means. What is to be resisted? A law of congress? If that body is without the constitutional authority to enact the prohibition, as the resolutions declare, their act will be of no validity, and the proper tribunals of the country will so adjudge it. If it be valid, we are to resist the execution of a law enacted by the constituted authorities, obedience to which is enjoined upon all by the highest duty, and in our particular case, enforced by the religious sanction of the oath under which we exercise the powers which belong to this body.

But if we are to resist, how are we to set about it? The law is to take effect in the distant regions of New Mexico and California. Are we to visit those wilds to set on foot the resistance? Are we to beat up volunteers for the adventure? Are the drum and fife again to disturb the peaceful retreats of our people, and the appetite for blood and pil-

lage engendered by the recent war, to be fed by intestine slaughter? If this is not to be done, how are we to proceed? Will some advocate of the resolutions inform me. If the thing is to be done, there must be a way for it to be done; what is it? Are we to secede from the confederacy, and set up a little sovereignty of our own? Or are we to confederate with disloyal South Carolina, dissolve the Union and plunge the sword of civil strife into the bowels of our brothers? This would be indeed a last extremity; one that violated rights and tyrannous oppression might move to, but which nothing would justify, short of that condition which would make submission criminal.

I claim no more of animal courage than falls to the lot of other persons, but I doubt not that in a good cause, in resistance of substantial oppression, I should stand forth against an arrogant foe as boldly as those who boast most vauntingly of their readiness. But, when you commit the sword to me, and in such a cause as now proposed, bid me strike the Union, I fear that revolutionary recollections would overpower me; the struggles our fathers sustained, the hardships they endured, in achieving our independence, the blood with which they cemented our Union, would rush full upon my memory; the shade of Washington would rise up before me, and interpose his majestic form; the parricidal steel would drop from my hand, and falling upon my knees, I would bless God that he saved me from such iniquity.

In the language of the farewell address of that great man, I regard the Union as "a main pillar in the edifice of our real independence, the support of our tranquillity at home, our peace abroad; of our safety; of our prosperity; of that very liberty which we so highly prize." Every affection of my heart clings round it, every instinct of my nature endears it to me, and I earnestly pray that the day may never come, when the wrath of an offended Deity will visit the calamity of a dissolution upon the sins of a misguided people.

Politicians, in the prosecution of their petty strife, for selfish party ends, may, at times, lash excitement into a seeming tempest, but in the deep attachment that the masses have for that unity which constitutes us one people, be assured, there will ever be found a moral force to calm the vexed wave into quiet. The benefits we daily derive from the union, the great interests dependent upon its continuance, will not permit us to fly to arms and dissolve it on a difference of opinion on a mere abstract question of constitutional law.

But if it be not seriously intended to push the quarrel to extremity, if when you speak of "*resistance to the last extremity*," and "*by every means you can command*," nothing is intended but bluster and bravado, and if these prove ineffectual to frighten our adversaries, the foregone determination is adopted to submit to the exigency, to say nothing of the character in which we shall present ourselves before the public, I submit whether the chances of success justify the hazard of the humiliation which must attend defeat. At the session before the last, the general assembly adopted resolutions, now to be reaffirmed, declaring the Wilmot proviso a gross and palpable violation of the constitution, and pledged the commonwealth, as it is proposed to do again, to resist it to the last extremity. Yet this proviso was engrafted upon

the Oregon bill, passed through all the forms of legislation, was sanctioned by the president, and is now in full force as a law of the land, and not a whisper is heard from the heroes of that session, or the people, who you say were committed to them, of disobedience to its authority. Is it not time to drop this braggart strain, to put off this Hotspur character, and deal in soberness with grave matters of state? To the genial taste of South Carolina let all this affectation of chivalry be freely abandoned.

Of the propriety of forcing domestic slavery upon the territories conquered by our arms, against the wishes of their inhabitants, I have ever entertained a fixed opinion.

In the war with Mexico a new capacity has been given to our federal authority. Extensive provinces forcibly wrested from a neighbouring nation are now held as our own. Organized communities living under established government, invested with all the rights of civilization, have been torn from their proper allegiance and subjected to the yoke of our own. What principle of the constitution imparts this capacity? What individual who participated in its formation, or assented to its adoption, ever dreamed that the powers created by it could be used for such a purpose? The corner stone of the fabric, the principle that lies at the foundation of all our institutions, the feature that distinguishes free government, is the right of civilized communities to choose, according to their own views of their interests, the form of government best adapted to their necessities. The contrary principle characterizes absolute governments, and is the support of the monarchies of the old world. That a monarch should invade a nation, overrun it with his arms, and reduce its inhabitants to the condition of subjects, would not furnish matter of surprise. It is one of the legitimate fruits of that form of government.

In our dealings, therefore, with Mexico, we have departed from the principles of our own, and proceeded upon those of other governments. Ought we now to force upon this people domestic slavery against their consent? An institution reprobated by the world; acknowledged to be a social and political evil; once existing amongst them, but by their own free act, long since repudiated. Would it not be to aggravate the wounds inflicted by war and conquest, and sow the seeds of disaffection and revolt?

No community is more deeply committed against such an exercise of power than this ancient commonwealth.

Foremost amongst the colonies, she bent her efforts to the exclusion of slavery from her soil. Her laws for that purpose were annulled by the crown, and in the preamble of her constitution, wherein are set forth the prominent causes which justified her revolt, this annulment by the king is denounced as an "*inhuman use of his negative.*"

Foremost amongst the states, when the confederacy was formed, she stood forth the advocate for the suppression of the slave trade, and when the New England states, for the protection of the large tonnage they had embarked in the traffic, opposed the suppression, voted to declare it piracy.

It is useful to recur to these reminiscences of the past; they shew this commonwealth in proud contrast with her sisters, now lending

themselves to a war upon her rights. Contrary to her wishes, in opposition to her efforts, domestic slavery was forced upon her, and now, when it is part of her system, so interwoven with the whole that the disruption would prostrate every interest which she possesses, because she does not incur this ruin, is made grave matter of reproach by those who made profit of the oppression that subjected her to the condition, and now make it matter of conscience to rob her of the property for which she paid them the price.

In contemplating our condition, we may have the courage to acknowledge the disadvantages which flow from the institution; there are few amongst us who would not hail with satisfaction the period that would put an end to it forever, if at the same time we could be relieved from the presence of the unfortunate race. But its extinction, if it ever occur, must be the work of time, and proceed from the voluntary exercise of our own free will. Any attempt to precipitate it, or to constrain our choice, must end in disappointment, and rivet more strongly the chains which are sought to be broken.

Whilst we may hold these opinions among ourselves, and speak thus freely of our domestic relations, we may nevertheless entertain a just sense of our rights, and declare our determination to defend them against aggression.

We ought not to quarrel about an abstraction; we ought not to disturb the confederacy about a measure of legislation that can lead to no practical result. I think the exercise of the disputed power in the cases of New Mexico and California, under the circumstances, wholly unnecessary, and can but regard it as insulting to the south, and manifesting a disregard of that brotherly feeling which ought to characterize the people of this Union. Still I would not fly to arms for it. But let a practical aggression be made upon important rights; let the powers of government be abused to our prejudice, under circumstances to shew deliberate and premeditated wrong, and there will not be found amongst us one animated being who will not be ready to vindicate these rights to the last extremity.

The question of slavery in the territories, which I have been considering, is very different from the question of slavery in the District of Columbia. The latter is a practical question. It is not a question of establishing slavery where it never before existed, nor of re-establishing it where it has once been repudiated. It is whether, whilst Maryland and Virginia continue slave states, a depot for vagabonds shall be established in their midst, by the instrumentality of whom organized processes may be conducted of perpetual warfare upon that species of property? Whether a municipal legislature, under the form of law, shall pirate upon rights, the preservation of which is the chief purpose of its trust? It is a question whether municipal government shall subserve the wishes and interests of the people of the municipality. It is, in fine, the great question whether the principle of free government, the vital energy of the representative system, shall be subversed in the case of the district. It is a maxim of government, adopted in all American constitutions, that those who exercise the powers of government should, at stated intervals, return to the body of the people, and their places be supplied by other elections. It is by means of frequent elec-

tions that the public authorities are made to conform their measures to the popular wishes; and it is this conformity to the popular wishes which constitutes the conservative principle of representative government, and distinguishes it from all other forms.

Any government, administered without regard to the opinions and wishes of those subject to its control, whatever be its form, and however designated, is a tyranny. There can be no question of this. Here at least none will be found to dispute its truth. The threatened action of congress in the case of the district, presents a striking exemplification of it; all see it, feel it; it is palpable to our senses, and comes directly home to our sympathies. It appeals to our interests, because in the threatened action their security is assailed. Hence, it may be, the sensitiveness of our feelings, and the vividness of our perceptions. But we are not singular in these respects; the same quick feeling and keen perception of tyrannous power excites in the bosoms of others, equal sense of wrong and oppression. What is true of the district and its inhabitants, is also true of the Mexican territories and their inhabitants.

The federal government exercises municipal authority over both; it is charged with the same trust in respect of both, and is bound to consult the wishes and interests of the beneficiaries for whom the trust is confided. Consider the two cases together: we are at no loss to discover the true principle in the one, and detect any aberration from it; let our vision be as lynx-eyed in the other, and our justice as even-handed. "Therefore, all things whatsoever you would that men should do to you, do you even so to them." If in this consists the whole law and prophets of Holy Writ, in it also consists the great moral rule of human action; for the parables and precepts of the Gospel, though delivered to the poor fishermen of Judea, contain rules of conduct for the government of the world to the remotest generations. It would ill become one like me to undertake to enforce religious duties, which, by so many considerations, commend themselves to our observance; but in respect of those duties which are enjoined by the moral law, believing that they are of universal application, the same difficulty does not occur. Observance of the moral law is a duty enjoined on all mankind; however exalted or humble, no station is exempt from it; individuals, masses, organized assemblies, all are bound to its observance. In no condition of life can it be disregarded with impunity; sooner or later, as sure as a superintending Providence directs the affairs of this world, the violation of this duty, in some form, will be visited in punishment upon the offender. I pray heaven, that in the spirit of sectional animosity, and disloyalty to our institutions, possessing the people, we are not to behold the verification of the truth I have uttered; that these are not the visitations for the offence against this law in the war of conquest and spoliation, out of which these questions spring.

In demanding justice for ourselves, let us not be unmindful of the justice due to others. In resisting usurpation, or abuse of power, when exerted to our prejudice, let us not become a party to its practice upon others. Suspended before our view is the full length portrait of the great Lord Chatham. What obtained for the noble Lord this testimonial to his worth, an honoured place in the legislative hall of this free

commonwealth? He is represented by the artist as delivering his memorable speech in the British parliament on American taxation, and this testimonial is the offering to the noble sentiments that immortalized that speech. "*I rejoice that America has resisted; three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest.*"

These words were once traced in letters of gold upon the canvass; they deserve to be placed there again. In the presence of this memorial of the dead, recalling our memories to days that are past, I need not, before this assembly, trace the parallel between the colonies and the mother country in the time of Chatham, and ourselves and these Mexican provinces at the present day. Every gentleman will do this for himself.

Some pampered minion of the crown taunted the great patriot in his noble effort in the cause of freedom, with giving birth to sedition in America. I would that gentlemen may read the rebuke, which, in the imperial parliament of haughty England, was administered to that taunt: I would especially that those gentlemen may read it, who catching from the party prints the court phrase of the day, have dared to insinuate, that in the free expression of my sentiments on this floor, I am giving "aid and comfort to the enemy." They will there see the meed bestowed upon the calumniator of the liberty of speech, and may make profit of the lesson.

I am aware, Mr. Speaker, that I have trespassed a long time on the patience of the house, but I desire, before resuming my seat, to recall to the recollection of gentlemen the resistance which South Carolina once set up against the federal authority, and remind them, since their memories seem treacherous, of the fearful condition to which affairs obtained in that state, and the deep anxiety occasioned in all parts of the Union; for it is that example you propose to follow, and that condition to bring about here. Dissatisfied with the provisions of a common revenue law, South Carolina undertook to nullify its force within her limits. Refusing an appeal to the judiciary, the great umpire appointed to expound the constitution in the last resort, she arrogated to herself the prerogative of judge, and claimed to declare the law in violation of that instrument, and defeat its operation. The extraordinary pretension attracted universal attention, for every one saw in its successful assertion the death wound of the Union. A few adherents to her cause were found in other states; some, I believe, among ourselves; but distraction arose within herself. The cause could not commend itself to general approbation, and there sprung up an Union-party, not numerous as the agitators, but respectable in force, intelligent, patriotic and brave, who stood forth in determined opposition to the destructive scheme of nullification.

Of the bitter feeling engendered between the two parties, I need not speak. Father was arrayed against son, brother against brother, kindred against kind. The state was pushed on to the verge of a precipice, and hung so lightly upon the awful brink, that an infant's strength seemed to suffice to hurl her headlong into the deep abyss. To the

iron nerve of the hand that then held executive power, the country is indebted for the safety of its institutions from that fierce assault.

We all remember the solemn warnings of the timely proclamation, and the stern approval of a patriotic people. I beseech you to pause ere you subject Virginia to the dreadful danger from which Carolina so narrowly escaped. Like that misguided state, you base resistance upon a cause which, when the day of strife shall come, as come it will, if the principles of these resolutions be acted out, will breed dissention in our homes. Is it wise to do this? Is it just to our common mother, thus to hazard her safety and her peace? Better far to abandon all extreme pretension, and stake the issue upon a cause which will rally to her aid the united strength of all her sons: a cause whose justice will command the approval of a candid world, and raise up friends in the patriot bosoms of her sister states.

You complain of a contemplated infraction of the constitution by congress, and in the redress proposed, become guilty yourself of the same offence.

Gentlemen have said, that if a direct adjudication of the federal judiciary, on the precise point in dispute, can be found, they will surrender their opinions. They repudiate the instructions of learned commentators, and strangely disregard adjudications settling principles decisive of the question, but will bow to the authority of a direct adjudication. Do they not thereby surrender the principle upon which the resolutions proceed? Why not first submit the question to the judiciary, and test in that form the validity of the law? The senate's compromise proposed this alternative, and of that you approved. Will it not be time enough for the dread extremity when peaceful and constitutional means shall prove fruitless of redress? You say the law will be unconstitutional, in your judgment palpably so; then the judiciary will annul its force. Why not try this expedient?

Gentlemen talk of being committed to the resolutions; they say the state was committed to them in 1847, and argue that we have no right now to retract. But when did the state become thus committed? I deny that the general assembly has the right to commit the state by any resolves it may choose to entertain.

How many of the people knew of the adoption of the resolutions? When were they discussed before them, and when have they obtained their sanction? How many members of this present assembly were ignorant of their existence before this proceeding brought them to their notice? Without previous notice, without the intervention of a committee, at the end of a discussion on a railroad bill, an individual member, upon his single responsibility, suddenly presented resolutions to the house. Being read at the clerk's table, they were ascertained to relate to the question of slavery. No one examined them; the question was put; the ayes and noes were not even called; and passing by a silent vote, some gentleman proposed to insert the word "unanimously," which was not objected to, and in the usual way they were sent to the senate. In that body they remained for some time on the table, when, on the motion of some member, a modification was agreed to, and they came back to this house. Coming up as the morning business, at a time when these seats are but scantily filled,

on motion of the original mover of them, a part of the senate's modification was disagreed to, and the fact communicated to that body. They slept again in the senate until the 8th of March, when the exceptionable modification was receded from, and thus the matter ended. Although then a member of this body, I was not present when the resolutions were acted on. So little interest did they excite, that not more than a passing notice was taken of them in the public prints; and now, taxing my memory to the uttermost, I cannot recall a single circumstance connected with their adoption, but furnish this history from the information of others. That they passed this body without consideration, is manifest from the fact that, as originally presented, they declared "it to be the *natural* and *indefeasible* right of each and every citizen &c. to reside with his property, of whatever description, in any territory," &c., an outright absurdity that could hardly have escaped correction had a very slight examination been bestowed upon the production, but from which, nevertheless, they were only relieved by the modifications engrafted by the senate. How idle is it, then, to seek a justification for this action upon the idea of a committal.

If gentlemen are really desirous of preserving consistency, and feel estopped from receding from ground deliberately taken by the state, I beg to refer them to the report and resolutions of 1810. These referred to matters of great interest at the time, formally communicated by the governor in his message, and were the deliberate work of a special committee. After due consideration, they passed both branches of the assembly *unanimously*, and were deemed of sufficient general importance to be published and preserved in the edition of the Revised Code, published at that time. They are entitled "Resolutions disapproving the amendment proposed by the legislature of Pennsylvania, to the constitution of the United States."

I beg leave to read an extract. "The committee to whom was referred the communication of the governor of Pennsylvania, covering certain resolutions of the legislature of that state, proposing an amendment to the constitution of the United States, by the appointment of an impartial tribunal to decide disputes between the state and federal judiciary, have had the same under consideration, and are of opinion, that a tribunal is already provided by the constitution of the United States, to wit, the supreme court, more eminently qualified, from their habits and duties, from the mode of their selection, and from the tenure of their offices, to decide the disputes aforesaid in an enlightened and impartial manner, than any other tribunal which could be created. The members of the supreme court are selected from those in the United States who are most celebrated for virtue and legal learning; not at the will of a single individual, but by the concurrent wishes of the president and senate of the United States: they will, therefore, have no local prejudices and partialities.

"The duties they have to perform lead them necessarily to the most enlarged and accurate acquaintance with the jurisdiction of the federal and several state courts together, and with the admirable symmetry of our government. The tenure of their offices enables them to pronounce the sound and correct opinions they may have formed, without fear, favour, or partiality."

I have authority for saying that when Mr. Madison's correspondence shall be given to the public, in his letters to Judge Roane, he will be found fully to have approved the principles of this report.

I submit, then, if by legislative action the state can be committed to any thing, it is committed to this report. The principle of it is sound and constitutional, and were so conceded by the state of Pennsylvania, for the concession was involved in the proposition of amendment. But the resolutions under consideration repudiate this principle; they spurn the jurisdiction of the supreme court, and arrogate to the legislature judicial powers. They involve directly an infraction of the constitution, and commit thereby, without qualification, the very offence which they charge against congress. If we are to resist the exercise of the disputed power, will it not be wise to seek redress first by constitutional means; and when these fail, will it not be time enough to resort to force? In seeking to restrain others within proper limits, and to read lectures on the sin of violating the compromises of the constitution, will we not better entitle our suggestions to consideration, when we manifest a regard for those compromises ourselves?

Mr. Speaker, I deplore the agitation of these questions in the federal legislature; I deplore the sectional jealousies to which the agitation gives rise; I deeply deplore the spirit of opposition to the Union, and blindness to its blessings, manifested upon this floor; and I still more deeply deplore the fatal tendencies which these resolutions evince.

I know that I stand here with a small minority, and in making opposition to this measure, I go counter to public prejudices, and subject myself to animadversion and reproach. My arguments are misrepresented, my motives assailed, and every influence that party intolerance can command, is employed to my prejudice. However I may lament this condition, my purpose is unshaken.

I love this Union, I love its peace, I love its blessings, and I but discharge a duty when I proclaim its danger. My voice will be unheeded in this hall, it may be unheeded out of it, but if the doctrine contained in these resolutions be followed to its consequences, and the time come when the people of this state, upon the issue now presented, shall choose between the blessings of our glorious Union and the horrors of a dissolution, believe me, the sentiments I have given utterance to will then find a response.

In this question of slavery I see the only danger to the perpetuity of our Union, the only obstacle in the way of that march to greatness on which Providence seems willing to direct our people. It is a question so easy of adjustment upon terms satisfactory to all parties, that nothing short of the most criminal intemperance can press it to a rupture. I have an abiding confidence in the good sense, soberness and patriotism of the country. I have confidence in the man whom the nation has called, in this day of peril, to preside over her destinies. Happily exempted by his past position from all prejudices and resentments of party, holding fixed conservative opinions, with moderation, firmness and dignity, standing upon the elevated platform of Washington, with the blessing of Providence, I look to him to effect the deliverance of the country from the imminent dangers which surround it.

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